

DETAILED ACTION

Response to Amendment

1. In the amendment dated 8/3/2009, the following has occurred: Claims 1 - 3, 6, 10, 12, 21, 23, 25, 27, 28, 31 - 34, 36 - 47, 49 and 51 - 54; Claims 24, 35, 48 and 50 have been canceled.
2. Claims 1 - 23, 25 - 34, 36 - 47, 49 and 51 - 54 are pending.

Notice to Applicant

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. The Applicant uses the phrase, "monitoring data streams" within the claims. Paragraph 30 describes monitoring as (emphasis added):

[0030] Accordingly, at step 57, software 40 monitors the data input via keyboard interface 33, and stores data pertaining to a particular PNR in RAM 39. Software 40 can store all data entered or, alternatively, can only store predetermined fields of data that will be used during subsequent steps, as will be described in more detail below. *Software 40 preferably includes any Applet, preferably a Java Applet or an Active XNB Applet, or any alternative apparatus suitable for monitoring data input via keyboard interface 33. By tracking all data entered into the GDS,* software 40 can identify a predetermined word or sequence of keystrokes that signifies a particular point during the travel reservation booking process indicating that the traveler is likely to make a travel-related purchase.

The Examiner notes this section in that it shows that software monitors data streams.

Unfortunately, no where does it show how that data is monitored. For example and broadly read, monitoring could include a notification in case data is stored or seeing an electronic pulse or listening to computer noise. The time point of the monitoring is not limited by the above paragraph.

With the current amendments, the Examiner has chosen, at his discretion, to include to rejections of the monitoring of data based upon storing of data and the capturing of data entry. As shown below, both monitoring types are old and well known.

Claim Rejections - 35 USC § 103

5. ***Claims 1 – 22, 31 – 34 and 36 – 46*** are rejected under 35 U.S.C. 103 (a) as being unpatentable over Eizenburg et al., U.S. Pre-Grant Publication 2002/ 0026336 in view of Kleinberg, U.S. Pre-Grant Publication 2001/ 0037265 and Cornelius, U.S. Patent 6,639,081.
6. As per claim 1, Eizenburg teaches a method for facilitating travel insurance sales on a computer system that is receiving data during a travel reservation purchase routine, the method comprising the steps of:
 - (A) executing a memory-resident process on a travel reservation computer station for locally monitoring data streams associated with at least one keystroke data sequence relevant to the travel reservation purchasing routine (paragraphs 42 and 45 – 47 where data is inputted and paragraphs 3 into a local web browser and 10 where the data can be stored and the computer software is loaded into the computer RAM where the information from the drop-down window can be entered through tabs as explained in “On the Net: Web Browser Keyboard and Navigation Shortcuts”);
 - (B) Identifying, via the memory-resident process on the travel reservation computer station, a predetermined data stream in the keystroke data sequence (paragraphs 42 and 91, nested link to travel insurance);
 - (C) in response to identifying the predetermined data stream, executing a travel insurance purchase routine, including:

- i. automatically launching at least one form with data fields that are to be completed (paragraph 91, where the selection causes); and
 - ii. Populating at least a portion of the data fields with data (paragraph 47, fields are automatically populated); and
- (D) Outputting a travel insurance policy (paragraph 75 where the information is summarized. The outputted data is considered non-functional descriptive information).

Eizenburg does not explicitly teach the method comprising:

- (A) executing a memory-resident process on a travel reservation computer station for locally monitoring data streams associated with at least one keystroke data sequence relevant to the travel reservation purchasing routine;
- (C) in response to identifying the predetermined data stream, executing a travel insurance purchase routine, including:
 - i. automatically launching at least one form with data fields that are to be completed related to purchasing travel insurance (paragraph 91, where the selection causes); and
 - ii. Populating at least a portion of the data fields with data previously entered during the travel reservation purchase routine (paragraph 47, fields are automatically populated); and

However, Kleinberg further teaches the method comprising:

- (C) After step B, executing a travel insurance purchase routine, including:

- i. automatically launching at least one form with data fields that are to be completed related to purchasing travel insurance (paragraph 5 and paragraphs 25 – 27); and
- ii. Populating at least a portion of the data fields with data previously entered during the travel reservation purchase routine (paragraph 7 and paragraph 9 where the data is updated through hyperlinks); and

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into Eizenburg. One of ordinary skill in the art would have added these features:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable.

When combined, the elements perform the same function as they did separately.

- With the motivation to provide a novel technique by which the sale of regulated and/ or licensed services, such as insurance, may be efficiently and legally conducted over the World Wide Web without endangering the integrity of the regulatory and licensing systems (Kleinberg, paragraph 16).

In the event that it can be proven that Eizenburg does not teach, “executing a memory-resident process on a travel reservation computer station for locally monitoring data streams associated with at least one keystroke data sequence relevant to the travel reservation purchasing routine,” the location of the process is considered a prima facie design choice regarding making software programs integral or separable.

Additionally, Eizenburg teaches that a variety of computer types may be used but does not explicitly describe a keyboard. However, Cornelius describes similar computers in further detail to include a keyboard (column 11, lines 29 – 54) and operates a program that monitors keyboard events (column 14, line 63 through column 15, line 14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into Eizenburg in view of Kleinberg. One of ordinary skill in the art would have added these features:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable.

When combined, the elements perform the same function as they did separately.

7. As per claim 2, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 1 as described above. Eizenburg further teaches the method wherein the keystroke data sequence is input data (paragraphs 42 and 45 – 47 where data is inputted).

8. As per claim 3, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 2 as described above. Eizenburg further teaches the method wherein the keystroke data sequence is text data related to a legacy mainframe computer system (paragraph 3 where the data is presented to a client computer from a server or a main computer).

9. As per claim 4, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 3 as described above. Eizenburg further teaches the method wherein the computer system includes a processor, a data entry device, and an interface between the entry device and the

processor, wherein step (A) further comprises monitoring the interface (paragraph 25 – 27 server with associated web pages).

10. As per claim 5, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 3 as described above. Eizenburg further teaches the method wherein the computer system comprises at least one of a Global Distribution System and a Computer Reservation System (paragraph 27, global distribution system and reservation).

11. As per claim 6, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 5 as described above. Eizenburg further teaches the method wherein data streams further comprise Passenger Name Record (PNR) data (paragraph 61 and 76).

12. As per claim 7, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 1 as described above. Eizenburg further teaches the method wherein step (A) further comprises storing the data streams in memory (paragraphs 3 and 10 where the data can be stored).

13. As per claim 8, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 1 as described above. Eizenburg further teaches the method wherein the predetermined data stream indicates a likelihood that a travel reservation will be finalized (paragraph 38 and 39 where the likelihood is considered the intended use of the method and therefore has no patentable weight).

14. As per claim 9, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 1 as described above. Eizenburg further teaches the method wherein step (C) further includes launching a window offering an option to purchase travel insurance (paragraph 4 and paragraph 88).

15. As per claim 10, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 1 as described above. Eizenburg further teaches the method wherein step (C) includes generating the form locally at the travel reservation computer system (paragraph 3, client computer).

The “generating the form” could be considered the printing out of the form.

In the event that it can be proven that Eizenburg does not teach, “generating the form locally at the travel reservation computer system,” the location of the process is considered a prima facie design choice regarding making software programs integral or separable.

16. As per claim 11, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 10 as described above. Eizenburg further teaches the method comprising establishing a connection with a web server over the Internet, and forwarding data related to the travel insurance purchase routine to the web server (paragraph 3).

17. As per claim 12, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 1 as described above. Eizenburg further teaches the method wherein step (C) includes establishing a connection with a web server over the Internet, and generating the form remotely at the web server (figure 1, #25 and #20A).

18. As per claim 13, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 1 as described above. Eizenburg further teaches the method comprising forwarding information related to the travel insurance purchase routine to the web server (paragraphs 31, 80, 82, 88, 89 and 91).

19. As per claim 14, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 1 as described above. Eizenburg further teaches the method comprising the step of:

(E) after step (D), returning to the travel reservation purchase routine (paragraphs 83 - 91 where each page is separate and the user can click each independently).

20. As per claim 15, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 14 as described above. Eizenburg further teaches the method wherein step (E) includes populating data entered during the travel insurance purchase routine into the travel reservation purchase routine (paragraph 82, where the information is grouped together for display).

21. As per claim 16, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 15 as described above. Eizenburg further teaches the method wherein the populated data includes accounting information (figures 42 and 43, costs).

22. As per claim 17, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 16 as described above. Eizenburg further teaches the method wherein the data populated into the travel reservation purchase routine includes information related to travel insurance purchased (figure 42, price).

23. As per claim 18, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 1 as described above. Eizenburg further teaches the method wherein step (C) further comprises populating data fields with information regarding at least one of 1) an identity of one of the purchasers and 2) details related to the travel reservation (figure 45, details).

24. As per claim 19, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 1 as described above.

Eizenburg does not explicitly teach the method wherein step (C) further comprises the step of offering multiple insurance products to select from to purchase.

However, Kleinberg further teaches the method wherein step (C) further comprises the step of offering multiple insurance "products to select from to" purchase (paragraph 32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Eizenburg and Cornelius. One of ordinary skill in the art would have added this feature:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
- With the motivation to provide a novel technique by which the sale of regulated and/or licensed services, such as insurance, may be efficiently and legally conducted over the World Wide Web without endangering the integrity of the regulatory and licensing systems (Kleinberg, paragraph 16).

25. As per claim 20, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 1 as described above. Eizenburg further teaches the method wherein step (C) further comprises providing an option to accept or decline travel insurance (figure 40, where the entire package can be declined/ accepted including travel insurance).

26. As per claim 21, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 20 as described above. Eizenburg further teaches the method comprising the step of generating a database including a summary of information entered during step (C) (paragraph 69).

27. As per claim 22, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 21 as described above. Eizenburg further teaches the method wherein at least one of steps A-D are performed by a travel agency (Abstract), wherein the database includes a summary of information related to the travel agency (paragraph 10).

28. As per claim 23,
Eizenburg teaches a method for automatically generating a routine during operation of a transaction software application operating on a travel reservation computer station, the steps comprising:

- (A) executing a memory-resident process on the travel reservation computer station (naming the computer "travel reservation computer station" describes the intended purpose of the computer. The label is nonfunctional descriptive information) for locally monitoring and capturing transaction data entered into the software application (paragraphs 42 and 45 – 47 where data is inputted and paragraphs 3 and 10 where the data can be stored, and the computer software is loaded into the computer RAM);
- (B) identifying, via the memory-resident process on the travel reservation computer station, a predetermined keystroke data sequence in the data entered into the software application (paragraph 25 where the various computer types include computer keyboards as shown within Cornelius, figure 4, #424, paragraphs 42 and 91, nested link to travel

insurance where the information from the drop-down window can be entered through tabs as explained in “On the Net: Web Browser Keyboard and Navigation Shortcuts”);

(D) If the sales package is accepted at step (C), launching a sales order data entry form for display at the travel reservation computer station and pre-populating the form with previously captured data (figure 42. The Examiner notes that this step is only performed if the package is accepted. Therefore, step D is not performed as the package is not accepted and examination below assumes that the method ends at step C. Further, the displayed information represents nonfunctional descriptive information).

Eizenburg further teaches the method comprising:

(C) in response to identifying the predetermined keystroke data sequence, executing a routine automatically offering a sales package related to the transaction software application (figure 39), wherein the sales package can be accepted or declined (figure 41); and

In the event that Eizenburg does not show the method, Kleinberg further teaches the method comprising:

(C) in response to identifying the predetermined keystroke data sequence, executing a routine automatically offering a sales package related to the transaction software application (paragraph 5 and 25 - 27), wherein the sales package can be accepted or declined (the examiner notes that this is the intended result of offering the sales package. The act of accepting or declining the package is not claimed); and

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into Eizenburg. One of ordinary skill in the art would have added these features:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
- With the motivation to provide a novel technique by which the sale of regulated and/ or licensed services, such as insurance, may be efficiently and legally conducted over the World Wide Web without endangering the integrity of the regulatory and licensing systems (Kleinberg, paragraph 16).

The Examiner notes that claim 24, now canceled, included the capturing of keystrokes. Claim 23 differs by discussing the capturing of keystroke data.

Additionally, Eizenburg teaches that a variety of computer types may be used but does not explicitly describe a keyboard. However, Cornelius describes similar computers in further detail to include a keyboard (column 11, lines 29 – 54) and operates a program that monitors keyboard events (column 14, line 63 through column 15, line 14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into Eizenburg in view of Kleinberg. One of ordinary skill in the art would have added these features:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable.

When combined, the elements perform the same function as they did separately.

In the event that it can be proven that Eizenburg does not teach, “executing a memory-resident process on the travel reservation computer station for locally monitoring data entered into the software application,” the location of the process is considered a prima facie design choice regarding making software programs integral or separable.

29. As per claim 25, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 23 as described above.

Eizenburg does not explicitly teach the method wherein keystroke data sequence is monitored and captured via a keyboard interface (paragraph 25 various computer types and paragraphs 42 and 91, nested link to travel insurance where the information from the drop-down window can be entered through tabs as explained in “On the Net: Web Browser Keyboard and Navigation Shortcuts”).

However, Cornelius further teaches the method wherein keystroke data sequence is monitored and captured via a keyboard interface (figure 4, #424).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into Eizenburg in view of Kleinberg. One of ordinary skill in the art would have added these features:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable.

When combined, the elements perform the same function as they did separately.

30. As per claim 26, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 25 as described above. Eizenburg further teaches the method wherein the transaction data is travel-related data (paragraph 27, global distribution system and reservation).

31. As per claim 27, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 26 as described above. Eizenburg further teaches the method wherein the travel-related data is Passenger Name Record (PNR) data (paragraph 61 and 76).

32. As per claim 28, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 23 as described above. Eizenburg further teaches the method wherein step (D) further comprises generating and launching the form locally at the at the travel reservation computer station (This step is not performed and therefore has no patentable weight).

33. As per claim 29, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 23 as described above. Eizenburg further teaches the method wherein step (D) further comprises generating the form remotely at a World Wide Web server over the Internet (This step is not performed and therefore has no patentable weight).

34. As per claim 30, Eizenburg in view of Kleinberg and Cornelius teaches the method of claim 23 as described above. Eizenburg further teaches the method comprising the step of populating the transaction software application with data received at the routine (paragraph 82, where the information is grouped together for display).

35. As per claim 31,

Eizenburg teaches a computer readable medium having stored thereon computer executable instructions for facilitating travel insurance sales in parallel with a travel reservation purchase routine, the instructions comprising:

- 1) locally monitoring data streams associated with at least one keystroke data sequence relevant to the travel reservation purchasing routine (paragraphs 42 and 45 – 47 where data is inputted and paragraphs 3 into a local web browser and 10 where the data can be stored and the computer software is loaded into the computer RAM where the information from the drop-down window can be entered through tabs as explained in “On the Net: Web Browser Keyboard and Navigation Shortcuts”);
- 2) identifying a predetermined data stream in the keystroke data sequence (paragraphs 42 and 91, nested link to travel insurance);
- 3) in response to identifying the predetermined data stream, executing a travel insurance purchase routine that
 - A) automatically launches at least one form with data fields that are to be completed (paragraph 91); and
 - B) Populates at least a portion of the data fields with data (paragraph 47, fields are automatically populated); and
- 4) providing a travel insurance policy via a travel reservation computer station (paragraph 75 where the information is summarized. The outputted data is considered non-functional descriptive information. The name of the computer is considered nonfunctional descriptive information.).

Eizenburg does not explicitly teach the computer program comprising:

- 1) locally monitoring data streams associated with at least one keystroke data sequence relevant to the travel reservation purchasing routine
- 3) in response to identifying the predetermined data stream, executing a travel insurance purchase routine that
 - A) automatically launches at least one form with data fields that are to be completed related to purchasing travel insurance ; and
 - B) Populates at least a portion of the data fields with data previously entered during the travel reservation purchase routine; and

However, Kleinberg further teaches the computer program comprising:

- 3) Execute a travel insurance purchase routine that
 - A) automatically launches at least one form with data fields that are to be completed related to purchasing travel insurance (paragraph 5 and paragraphs 25 – 27); and
 - B) Populates at least a portion of the data fields with data previously entered during the travel reservation purchase routine (paragraph 7 and paragraph 9 where the data is updated through hyperlinks); and

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into Eizenburg. One of ordinary skill in the art would have added these features:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
- With the motivation to provide a novel technique by which the sale of regulated and/ or licensed services, such as insurance, may be efficiently and legally conducted over the World Wide Web without endangering the integrity of the regulatory and licensing systems (Kleinberg, paragraph 16).

In the event that it can be proven that Eizenburg does not teach, “executing a memory-resident process on a travel reservation computer station for locally monitoring data streams associated with at least one keystroke data sequence relevant to the travel reservation purchasing routine,” the location of the process is considered a prima facie design choice regarding making software programs integral or separable.

Additionally, Eizenburg teaches that a variety of computer types may be used but does not explicitly describe a keyboard. However, Cornelius describes similar computers in further detail to include a keyboard (column 11, lines 29 – 54) and operates a program that monitors keyboard events (column 14, line 63 through column 15, line 14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into Eizenburg in view of Kleinberg. One of ordinary skill in the art would have added these features:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable.

When combined, the elements perform the same function as they did separately.

36. As per claim 32, Eizenburg in view of Kleinberg and Cornelius teaches the computer readable medium of claim 31 as described above. Eizenburg further teaches the computer readable medium wherein the keystroke data sequence is input data (paragraphs 42 and 45 – 47 where data is inputted).

37. As per claim 33, Eizenburg in view of Kleinberg and Cornelius teaches the computer readable medium of claim 32 as described above. Eizenburg further teaches the computer readable medium wherein the data sequence is text data related to a legacy mainframe computer system (paragraph 3 where the data is presented to a client computer from a server or a main computer).

38. As per claim 34, Eizenburg in view of Kleinberg and Cornelius teaches the computer readable medium of claim 33 as described above. Eizenburg further teaches the computer readable medium wherein the travel reservation computer station includes a processor, a data entry device, and an interface between the entry device and the processor, wherein the instructions further comprising monitoring the data streams via the interface (paragraph 25 various computer types and paragraphs 42 and 91, nested link to travel insurance where the information from the drop-down window can be entered through tabs as explained in “On the Net: Web Browser Keyboard and Navigation Shortcuts).

In the case where Eizenburg does not teach the computer readable medium wherein the travel reservation computer station includes a processor, a data entry device, and an interface between the entry device and the processor, wherein the instructions further comprising monitoring the data streams via the interface,

However, Cornelius further teaches computer readable medium wherein the travel reservation computer station includes a processor, a data entry device, and an interface between the entry device and the processor, wherein the instructions further comprising monitoring the data streams via the interface (figure 4, #424 and column 14, line 63 through column 15, line 14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into Eizenburg in view of Kleinberg. One of ordinary skill in the art would have added these features:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable.

When combined, the elements perform the same function as they did separately.

39. As per claim 36, Eizenburg in view of Kleinberg and Cornelius teaches the computer readable medium of claim 31 as described above. Eizenburg further teaches the computer readable medium wherein data streams further comprise Passenger Name Record (PNR) data (paragraph 61 and 76).

40. As per claim 37, Eizenburg in view of Kleinberg and Cornelius teaches the computer readable medium of claim 31 as described above. Eizenburg further teaches the computer

readable medium wherein the instructions further comprise storing the data streams in memory (paragraphs 3 and 10 where the data can be stored).

41. As per claim 38, Eizenburg in view of Kleinberg and Cornelius teaches the computer readable medium of claim 31 as described above. Eizenburg further teaches the computer readable medium wherein the predetermined data stream indicates a likelihood that a travel reservation will be finalized (paragraph 38 and 39 where the likelihood is considered the intended use of the method and therefore has no patentable weight).

42. As per claim 39, Eizenburg in view of Kleinberg and Cornelius teaches the computer readable medium of claim 31 as described above. Eizenburg further teaches the computer readable medium wherein the instructions further comprise launching a window offering an option to purchase travel insurance (paragraph 4 and paragraph 88. The "offering an option to purchase travel insurance" is considered nonfunctional).

The launching of a window or the use of an existing window is a matter of design choice regarding the integration or the separation of fields. Regarding the options within the design, as explained within Kleinberg, paragraph 9, "Hyperlink pages may also be displayed within a web page through a process known as framing which lets web page designers split the browser view into multiple windows, with each window displaying an independent web page. In framed presentations, hyperlinks in one frame can be programmed to update the content of adjacent frames. This makes it possible to launch multiple browser windows and to control the contents of each window through hyper- links embedded in other windows."

43. As per claim 40, Eizenburg in view of Kleinberg and Cornelius teaches the computer readable medium of claim 31 as described above. Eizenburg further teaches the computer

readable medium wherein the form is generated locally at the travel reservation computer station (paragraph 3, client computer).

44. As per claim 41, Eizenburg in view of Kleinberg and Cornelius teaches the computer readable medium of claim 40 as described above. Eizenburg further teaches the computer readable medium wherein the instructions further comprise establishing a connection with a web server over the Internet, and forwards data related to the travel insurance purchase routine to the web server (paragraph 3).

45. As per claim 42, Eizenburg in view of Kleinberg and Cornelius teaches the computer readable medium of claim 31 as described above. Eizenburg further teaches the computer readable medium wherein the instructions further comprise establishing a connection with a web server over the Internet, and generating the form remotely at the web server (figure 1, #25 and #20A).

46. As per claim 43, Eizenburg in view of Kleinberg and Cornelius teaches the computer readable medium of claim 42 as described above. Eizenburg further teaches the computer readable medium wherein the instructions further comprise forwarding information related to the travel insurance purchase routine to the web server (paragraphs 31, 80, 82, 88, 89 and 91).

47. As per claim 44, Eizenburg in view of Kleinberg and Cornelius teaches the computer readable medium of claim 31 as described above. Eizenburg further teaches the computer readable medium wherein the instructions further comprise activating the travel reservation purchase routine after the travel insurance policy is generated (paragraphs 83 - 91 where each page is separate and the user can click each independently).

48. As per claim 45, Eizenburg in view of Kleinberg and Cornelius teaches the computer readable medium of claim 44 as described above. Eizenburg further teaches the computer readable medium wherein data entered during the travel insurance purchase routine is populated into the travel reservation purchase routine (paragraph 82, where the information is grouped together for display).

49. As per claim 46, Eizenburg in view of Kleinberg and Cornelius teaches the computer readable medium of claim 31 as described above. Eizenburg further teaches the computer readable medium wherein the instructions further comprise populating data fields with information regarding at least one of 1) an identity of one of the purchasers and 2) details pertaining to the travel reservation (figure 45, details).

50. *Claims 47, 49, and 51 – 54 are* rejected under 35 U.S.C. 103(a) as being unpatentable over Eizenburg et al., U.S. Pre-Grant Publication 2002/ 0026336 in view of Cornelius et al., U.S. Patent 6,629,081.

51. As per claim 47,
Eizenburg further teaches a computer readable medium having stored thereon computer executable instructions for activating a secondary process in parallel with a primary process that receives data, the instructions comprising :

1) locally monitoring and capturing transaction data entered into a travel reservation software application (paragraphs 42 and 45 – 47 where data is inputted and paragraphs 3 and 10 where the data can be stored and labeling the software application as “travel reservation” is nonfunctional. The computer software is loaded into the computer RAM

where the information from the drop-down window can be entered through tabs as explained in “On the Net: Web Browser Keyboard and Navigation Shortcuts”);

2) Identifying a predetermined keystroke data sequence in the data entered into the travel reservation software application (paragraphs 42 and 91, nested link to travel insurance);

3) in response to identifying the predetermined keystroke data sequence, executing a routine automatically offering a sales package related to the travel reservation software application (figure 39), wherein the sales package can be accepted or declined (figure 41); and

4) If the sales package is accepted, launching a sales order data entry form and pre-populating the form with previously captured data (figure 42. The Examiner notes that this step is only performed if the package is accepted by additional user input. Therefore, step D is not performed as the package is not accepted and examination below assumes that the method ends at step C.).

Eizenburg does not explicitly teach the computer readable medium comprising:

2) Identifying a predetermined keystroke data sequence in the data entered into the travel reservation software application

Eizenburg teaches that a variety of computer types may be used but does not explicitly describe a keyboard. However, Cornelius describes similar computers in further detail to include a keyboard (column 11, lines 29 – 54) and operates a program that monitors keyboard events (column 14, line 63 through column 15, line 14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into Eizenburg. One of ordinary skill in the art would have added these features:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable.

When combined, the elements perform the same function as they did separately.

In the event that it can be proven that Eizenburg does not teach, “executing a memory-resident process on a travel reservation computer station for locally monitoring data streams associated with at least one keystroke data sequence relevant to the travel reservation purchasing routine,” the location of the process is considered a prima facie design choice regarding making software programs integral or separable.

52. As per claim 49, Eizenburg in view of Cornelius teaches the computer readable medium of claim 47 as described above.

Eizenburg does not explicitly teach the computer readable medium wherein the transaction data is monitored and captured via a keyboard interface.

However, Cornelius further teaches the computer readable medium wherein the transaction data is monitored and captured via a keyboard interface (column 14, line 63 through column 15, line 14).

It would have been obvious to one of ordinary skill in the art to add this feature to Eizenburg.

One of ordinary skill in the art would have added this feature:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
- With the motivation to support and automate the conduct of system tests (Cornelius, column 135, lines 5 – 7).

53. As per claim 51, Eizenburg in view of Cornelius teaches the computer readable medium of claim 50 as described above. Eizenburg further teaches the computer readable medium wherein the transaction data is Passenger Name Record (PNR) data (paragraph 61 and 76).

54. As per claim 52, Eizenburg in view of Cornelius teaches the computer readable medium of claim 47 as described above. Eizenburg further teaches the computer readable medium wherein the instructions further comprise generating the form locally at a travel reservation computer station (This step is not performed and therefore has no patentable weight).

55. As per claim 53, Eizenburg in view of Cornelius teaches the computer readable medium of claim 47 as described above. Eizenburg further teaches the computer readable medium wherein the instructions further comprise generating the form remotely at a World Wide Web server over the Internet (This step is not performed and therefore has no patentable weight).

56. As per claim 54, Eizenburg in view of Cornelius teaches the computer readable medium of claim 47 as described above. Eizenburg further teaches the computer readable medium wherein the instructions further comprise populating the primary process with data received at the secondary process (paragraph 82, where the information is grouped together for display).

Response to Arguments

57. Applicant's arguments, see 35 U.S.C 101 and 35 U.S.C. 112, 2nd paragraph rejections, filed 8/3/2009, with respect to claims 1 – 54 have been fully considered and are persuasive. The 35 U.S.C 101 and 35 U.S.C. 112, 2nd paragraph rejections of 1 – 54 has been withdrawn.

58. Applicant's arguments filed 8/3/2009 have been fully considered but they are not persuasive.

35 U.S.C 102(e) and 103(a) Rejections

The Applicant writes, "To this end, independent claims 1, 23, 31 and 47, as amended, clarify that the travel reservation computer station executes a memory-resident process for *locally monitoring predetermined keystroke data* entered into the travel reservation application in order to trigger a sales purchase routine (e.g., to purchase travel insurance) related to travel booking." (emphasis included)

It is the Examiner's position that the location of the software program is a matter of design choice unrelated to the functionality of the method. The Examiner finds support for this assertion from the Applicant's Specification, specifically:

Specification, paragraph 25 (emphasis added)

Referring to Fig. 1, the present invention can be implemented on a workstation 20 including a personal computer 22 having a central processing unit (CPU) 24. Processor 24 is in communication with a first network interface circuit 26 communicating over a network 35 with a mainframe computer 28, and with a second network interface circuit 27 communicating over the Internet 30 with a web server 29. The CPU 24 is further in communication with a video driver 28, a keyboard interface 33, a nonvolatile memory device 31, and a volatile memory device 39. The video driver 28 is, in turn, connected to a display 32 that receives video data from driver 28 and produces video output that is displayed to the user. The keyboard interface 33 receives input from a human/ machine interface (HMI), such as keyboard 34 and/or mouse (not shown), and forwards the input data to processor 24. Nonvolatile memory device 31 stores

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an application program, such as a GDS 36, a conventional operating system 37, web browser 38, along with other software and data as known by those skilled in the art. ***A software package 40 constructed in accordance with the principles of the present invention is preferably installed on the computer 22 locally and stored in memory 31 as illustrated, or is alternatively programmed on a central server (not shown) and executed by computer 22 communicating over a network.*** Volatile memory 39 can be a Random Access Memory (RAM) for temporarily storing data.

Specification, paragraphs 47 and 48(emphasis added)

Referring now to Fig. 4B, steps for performing routine 64 are illustrated in accordance with an alternate embodiment of the invention that is similar to the steps illustrated in Fig. 4A. However, in Fig. 4B, routine 64 begins at step 66, whereby software 40 launches web browser 38, which is connected to web server 29 via Internet connection 30. The agent can input the agent's or agency's identification code so that the insurance provider recognizes the travel agency that is completing the insurance sale and can therefore update the database 108 appropriately in the manner described above. ***The web sever 29 then launches window 92 as an applet, which is completed by the travel agent in the manner described above with reference to Fig. 4A, the difference being that the window 92 is executed on the web server 29 as opposed to locally on software 40.*** Steps 70-82 are also completed in the manner described above, with the various windows residing on the web server 29. Because information entered by the agent into the various windows is automatically forwarded to web server 29, step 83 of Fig. 4A is eliminated in Fig. 4B as server 29 can automatically capture data that is to be stored in database 108.

It should be appreciated in accordance with an alternate embodiment of the invention that certain windows 92, 94, 102, 104, and 105 can be launched directly by software 40, while others can be launched at the web server 29. ***Accordingly, unless otherwise specified, the various travel insurance purchase-related windows are not to be construed as limited to being executed locally on software or web server 29, but should be interpreted broadly as any window that 1) is configured to receive travel insurance related information using data previously entered into the PNR; and 2) can be used to populate the PNR once the travel insurance package has been purchased.*** Information entered locally on computer 22 that is necessary for producing database 108 can be uploaded to web server 29 in the manner described above.

The Examiner notes, that until this amendment, no where within the original specification is the software specified to be local.

Additionally, the Applicant writes, "Therefore, Eizenburg also does not teach or suggest automatically launching a travel insurance form in response to identifying a predetermined data stream among the keystroke data of another application." The Examiner has read the Applicant's specification and understands the Applicant's intent. However, no where in the specification are specific details about how to differentiate one keyboard data entry over another. For example, if a hyperlink can be executed by keyboard entry, then that entry reads upon the claim and the specification. Further, although the Applicant wishes the form to be related to travel insurance, nothing within the form requires it to be travel insurance related. A yes/ no entry is acceptable or changing the form "label" from travel insurance to automobile insurance would not affect the outcome of the claim.

On the last part, the Applicant wishes to monitor keystrokes or keystroke data. Monitoring of keystrokes is shown by Cornelius. Even where Cornelius is not used, monitoring could also be done by checking to see if a database field has been entered or has not been entered. Neither the specification nor the claims details how the monitoring is done.

The Examiner has chosen to use a drop down box with hyperlinks as an example of what the invention reads upon.

Before the Applicant makes future amendments, the Examiner suggests that a broader reading of the claimed and described invention is applicable. Roughly, the Applicant's invention relates to causing a pop-up window to appear with pre-populated fields. The information within the fields is either non-functional, as the form fields data does not cause a machine to take further actions but rather requests human responses, or the information is an obvious replacement with another data type. The Examiner, at his discretion, has chosen to use the travel insurance related data.

Conclusion

59. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEAL R. SEREBOFF whose telephone number is (571)270-1373. The examiner can normally be reached on Mon thru Thur from 7:30am to 5pm, with 1st Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on (571) 272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. R. S./
Examiner, Art Unit 3626
10/9/2009

/Robert Morgan/
Primary Examiner, Art Unit 3626